

The Texas Natural Resource Conservation Commission (commission) adopts revisions to the State Implementation Plan (SIP) for the Control of Lead Air Pollution concerning the 1999 Collin County Redesignation and Maintenance Plan and agreed order for the redesignation to attainment of that portion of Collin County currently designated as nonattainment for the national ambient air quality standard (NAAQS) for lead.

Explanation of the Adopted SIP

The revised SIP provides for the redesignation to attainment of that portion of Collin County currently designated as nonattainment for the NAAQS for lead. The revision also provides a maintenance plan for the area to ensure continued compliance with the lead NAAQS. The revision establishes an attainment emissions inventory and provides a maintenance demonstration through ambient air monitoring combined with GNB Technologies' (GNB) existing new source review (NSR) permits and compliance with the federal lead maximum achievable control technology (MACT) requirements. As part of the maintenance plan, the revision establishes a new contingency plan through an agreed order and replaces Agreed Board Orders 92-09(k) and 93-12 and Board Order 93-10. Further, the revision also establishes contingency indicators based on monitored lead levels and GNB's annual emissions inventory submission and sets trigger levels for each of the indicators. The revised SIP also provides for a commitment by the commission to keep the existing monitoring network in place until the end of the maintenance period and requests that the United States Environmental Protection Agency (EPA) approve the maintenance plan and redesignate Collin County to attainment for the lead NAAQS.

Hearing and Commenters

The commission held a public hearing in Frisco, Texas on May 4, 1999, and the public comment period closed on May 10, 1999. No public comment was received at the public hearing; however, GNB and the EPA submitted written comments regarding the revised SIP. EPA and GNB are generally in support of the revised SIP and the redesignation package, but both did offer comments on the revision.

Evaluation of Testimony

EPA suggested that the commission quantify the predicted emissions reductions that would result from the implementation of the contingency measures. Further, EPA commented that this quantification would help ensure that the contingency measures are sufficient to effect a positive change in air quality. EPA also recommended that copies of the relevant permits and agreed orders be included as appendices in the final redesignation package to aid in their review and ensure that all relevant information on this action is available to the public for review.

The commission agrees with both of EPA's recommendations and has quantified the potential emissions reductions associated with the contingency measures listed in Section 5.6 of the revised SIP. The commission has also included copies of GNB's state new source review permits, Air Quality Permit Numbers 3048A and 1147A, as Appendix A, Agreed Orders 92-09(k), 93-10, and 93-12 as Appendix B, and new Agreed Order 99-0351-SIP as Appendix C.

GNB recommended changes to Chapter 4 and Section 5.2 of the SIP and paragraph 8 of the Agreed Order to clarify those portions of the lead MACT that GNB will comply with to achieve permanent

reductions. Those are the emissions limits and standard operating procedures for process sources, process fugitive sources, and fugitive dust sources. GNB also suggested deleting language in Section 5.2 referencing the maximum allowable emissions rate (MAERT) table.

The commission agrees with the suggested language change. The commission believes that the proposed language is vague and could suggest that complete compliance with all aspects of the MACT represents emissions reductions. The commission agrees that the suggested language clarifies the intent that GNB's compliance with the emissions limits contained in the MACT will provide permanent emissions reductions. With regard to the suggested change to delete the reference to GNB's MAERT, the commission believes that the language referring to the MAERT is necessary to document enforceable limits which will ensure maintenance of the NAAQS.

However, the commission believes that there is an inconsistency between the language in Section 5.2 and the agreed order. Therefore, the commission has added language to the revised SIP that eliminates the inconsistency and provides additional flexibility for making changes to GNB's MAERT. The final language would allow for an increase in the existing MAERT when such an increase is authorized through an amendment to Permits 1147A, 3048A, or a new permit issued pursuant to 30 TAC Chapter 116, supported by air dispersion modeling that demonstrates that such an increase is not expected to cause a violation of the lead NAAQS. In the future, if an increase in GNB's MAERT is approved, the commission will reflect that change through a site-specific revision to the SIP and include a copy of the permit(s) allowing an increase. The changes are also reflected in paragraphs 5, 7, 11, 13, and 14 of the Agreed Order.

GNB proposed adding language to Section 5.6.4 regarding contingency measures, which would provide GNB the option of proposing and implementing an alternative contingency measure judged to be similarly effective in controlling lead emissions.

The commission believes that GNB's suggested language provides greater flexibility in implementing meaningful contingency measures that will have a timely impact on improving air quality and has added language to the revised SIP. Further, because GNB has installed the equipment listed in 5.6.3, the commission has added new language to Section 5.6.3 allowing for GNB to prepare a similarly effective control measure to replace an existing contingency measure.

GNB also proposed some clarification to the Agreed Order. GNB suggested that the termination of Agreed Board Order 93-12 be added to paragraph 7.

The commission agrees that such clarification is helpful. Agreed Board Order 93-12 is superceded by Agreed Order Docket Number 1999-0351-SIP.